



**CARLTON**  
ACADEMY TRUST

## **Carlton Academy Trust Staff Disciplinary Policy**

**Approved on behalf of Trustees:**

**Roger Butterfield**

**Date:**

**September 2021**

**Next Review Date:**

**September 2022**



## **Policy Aims**

This policy sets out the procedures taken when employees fail to meet the professional standards expected of them. It applies to all employed to work for the Trust irrespective of length of service or contract terms.

## **Disciplinary Stages**

### **Informal Discussion**

This is used to informally resolve minor disciplinary issues. Resolutions here are typically no further action or a Management Instruction.

### **Stage 1: Disciplinary Investigation**

More serious allegations require investigation. This is collected by an Investigating Officer, who is a senior leader appointed by the Trust. This will typically involve interviewing and taking statements from witnesses, and collation of other evidence. Investigations should be completed at the earliest reasonable opportunity and used to determine whether a disciplinary hearing is needed.

### **Stage 2: Hearing**

If a hearing is required, the employee will be provided with at least five working days' notice, along with confirmation of:

- The time and venue
- The alleged misconduct and potential consequences.
- Statutory right to be accompanied by a trade union representative or Trust employee not involved in the disciplinary case.

If the employee is unable to attend, the school/Trust will offer an alternative time and date. This will usually be within five working days of the original date. If the employee fails to attend the second hearing, it can be heard in their absence if their reasons for absence do not appear reasonable or credible. Any such decision will be formally communicated to the employee in writing.

Any evidence or witnesses either party intends to use should be fully disclosed and shared at least five working days in advance of the hearing. The Trust will present their case, with the employee being given the opportunity to respond and present their case.

## **Sanctions**

If misconduct is found, the following sanctions can be applied:

**Verbal Warning:** Here the employee will be informed of expected improvements and timescales, support provided (where relevant) and future consequences of recurrence (written warning). They will also be informed in writing of their right of appeal. Details of the warning will be kept on personnel files for a specified period and removed subject to satisfactory conduct.

**Written Warning** – A written warning will formally set out in writing details of the misconduct, improvement required, support offered (where relevant) and possible future consequences (Final Written Warning). They will also be informed of their right of appeal. A record of this warning will be kept for the specified period and removed subject to satisfactory conduct.



**Final Written Warning:** If misconduct is sufficiently serious, or there has been further incidents since a previous written warning, the school/Trust may issue a 'Final Written Warning'. This will formally outline in writing the misconduct, improvement required and timeline, support offered (where relevant) and possible future consequences such as dismissal or demotion. They will also be informed of their formal right of appeal. A record of this warning will be kept for a specified period and removed subject to satisfactory conduct.

**Dismissal / Other Penalty** – This occurs when misconduct is sufficiently serious, or there has been further misconduct since a final written warning was issued. The employee will be provided full details in writing of the sanction, reasons for the sanction, and their right of appeal. In cases of gross misconduct, the Trust may decide to dismiss without notice.

### **Appeals**

Appeals should be made in writing within five working days of formal communication of the disciplinary sanction. The employee must inform the school/Trust in writing of the grounds for appeal and may be accompanied to the appeal hearing.

The Trust will hear the appeal without unreasonable delay, and wherever possible by a leader of at least equal seniority as the original hearing and not previously involved in the case. The employee will be provided at least five working days' notice of the hearing, and may be accompanied by a trade union representative or work colleague to assist or support them.

The outcome of the appeal will be confirmed in writing and has three possible outcomes:

- Uphold the appeal
- Refuse the appeal
- Partially uphold the appeal

There is no further right of appeal following this stage.

### **Gross Misconduct**

The following non-exhaustive list provides examples of offences that the Trust may regard as misconduct:

1. Dishonest acts and deliberate falsification of records which result in or could result in serious consequences.
2. Falsification of qualification/s which are a stated requirement of employment or resulted in financial gain
3. Serious insubordination
4. Conduct that is a serious abuse of position
5. Bringing the school/Trust into serious disrepute or causing a serious loss of confidence in the Trust
6. Theft or fraud
7. Undertaking other paid employment whilst receiving sick pay or other benefits from the Trust without prior agreement
8. Deliberate disregard of the Trust's policies, procedures or rules
9. Physical assault or violence, threats of violence, serious verbal assault
10. Serious damage to Trust property through deliberate or negligent behaviour
11. Unauthorised removal of Trust property
12. Serious breach of health and safety policies, rules and regulations
13. Offensive or abusive behaviour towards others, including harassment, bullying or victimisation



14. Making defamatory, slanderous or libelous statements in the course of employment or could be linked to employment with the Trust.
15. Being unfit for duty through use of illegal substances or alcohol where it could constitute a health and safety hazard or in breach of a position of responsibility
16. Loss of confidential or sensitive data or expensive equipment through deliberate or negligent behaviour
17. Deliberately accessing internet sites containing pornographic, offensive or obscene material
18. Criminal offences committed within or outside work which would prevent an employee from continuing to do their job, affects their suitability to perform their work, or is liable to damage the school/Trust
19. Serious negligence which causes or might cause unacceptable loss, damage or injury
20. Serious breach of confidence
21. Serious breach of data protection policies, procedures or regulations

### **Suspension**

Employees may be suspended from work on full pay pending the outcome of an investigation. Although suspension is a neutral act, it should only be considered in the most serious cases (specific instances of suspected gross misconduct), as prolonged suspension absences can make it difficult for an employee to return to work. For this reason, investigations should be concluded as soon as reasonably possible, so that the period of suspension is not unduly extended.

